

**ENTERED**

October 06, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

WAYNE SMITH,	§	CIVIL ACTION NO.
Plaintiff,	§	4:21-cv-03079
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
DAVID HITNER and	§	
MTGLQ INVESTORS	§	
LP,	§	
Defendants.	§	

**SCHEDULING AND DOCKET CONTROL ORDER**

The following schedule will control disposition of this case:

1. **01/19/2022** **MOTIONS TO ADD NEW PARTIES**  
The party causing the addition of a new party must provide copies of this Order and all previously entered Orders to the new party.
2. **02/18/2022** **MOTIONS FOR LEAVE TO AMEND PLEADINGS**  
Any party seeking leave to amend pleadings after this date must show good cause.
- 3a. **08/17/2022** **EXPERTS (other than attorney's fees)**  
The party with the burden of proof on an issue must designate expert witnesses in writing and provide the required report under Rule 26(a)(2).
- 3b. **09/16/2022** **The opposing party must designate expert witnesses in writing and provide the required report under Rule 26(a)(2).**

4. **10/31/2022**      **COMPLETION OF DISCOVERY**  
Discovery requests are not timely if the deadline for response under the Federal Rules of Civil Procedure falls after this date. Parties may by agreement continue discovery beyond the deadline.
5. **11/30/2022**      **DISPOSITIVE AND NONDISPOSITIVE MOTIONS DEADLINE (except for motions *in limine*)**  
No party may file any motion after this date except for good cause shown.
6. **01/18/2023**      **MEDIATION OR SETTLEMENT CONFERENCE BEFORE THE MAGISTRATE JUDGE**  
The parties must complete mediation or other form of dispute resolution.
7. **02/17/2023**      **DEADLINE FOR JOINT PRETRIAL ORDER AND MOTIONS *IN LIMINE***  
The Joint Pretrial Order must contain the pretrial disclosures required by Rule 26(a)(3). Plaintiff is responsible for timely filing of the complete Joint Pretrial Order. Failure to do so may lead to dismissal or other sanction in accordance with applicable rules.
8. **03/20/2023**      **DOCKET CALL**  
Docket call will occur at 9:30 a.m. in Courtroom 8B, United States Courthouse, 515 Rusk, Houston, Texas. The Court will not consider documents filed within seven days of docket call. The Court may rule on pending motions at docket call and will set the case for trial as close to docket call as practicable.

**9. Additional orders or limitations relating to disclosures, discovery, or pretrial motions:**

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**10. Other matters:**

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Any party wishing to make a discovery or scheduling motion must obtain permission before the submission of motion papers. This includes any motion to compel, to quash, for protection, or for extension. Follow Section 15 of the Court's procedures.

The parties agree to submit attorney's fees issues to the Court by affidavit after resolution of liability and damages.

In cases referred to the Magistrate Judge for the initial conference, the Magistrate Judge has the authority to adjust the scheduling order dates.

Signed on October 6, 2021, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Ch R Eskridge II", written over a horizontal line.

Hon. Charles Eskridge  
United States District Judge